



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

WHITE'S TRUCK STOP, INC.

(VPDES Permit No. VA0024074)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d), between the State Water Control Board and White's Truck Stop, Inc. for the purpose of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means sewage treatment plant.
7. "White's" means White's Truck Stop, Inc., the owner and operator of White's Truck Stop STP and oil/water separator.
8. "Facility" means the White's Truck Stop STP and oil/water separator located in Rockbridge County, Virginia.
9. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.
10. "The Permit" means Virginia Pollutant Discharge Elimination System Permit No. VA0024074 issued to White's Truck Stop, Inc. which became effective July 1, 2003 and expires June 30, 2008. The Permit contains effluent limitations for the sewage treatment plant (Outfall 001) and oil/water separator (Outfall 002).
11. "C.E.R." means conceptual engineering report.
12. "D.O." means dissolved oxygen.
13. "NOV" means Notice of Violation.
14. "Regulation" means the VPDES Permit Regulation 9 VAC 25-31-10 et seq.
15. "TMP" means toxicity monitoring program.

SECTION C: Findings of Fact and Conclusions of Law

1. White's owns and operates wastewater treatment facilities serving the truck stop in Rockbridge County, Virginia, which is the subject of the Permit. The Facility discharges to Moore's Creek in the James (Upper) River basin.
2. DEQ issued Warning Letter No. W2005-01-V-1004 on January 5, 2005, to White's for failure to submit the 1st quarterly acute and chronic TMP tests due October 10, 2004.
3. DEQ issued NOV No. W2005-03-V-0013 on March 30, 2005, to White's for failure to sample and report for Outfall 002 during January 2005, failure to submit acute and chronic TMP reports due October 10, 2004 and January 10, 2005, and for late submittal of water quality monitoring data due August 10, 2004, for Outfall 001.
4. On April 13, 2005, DEQ met with White's in an informal conference to discuss the March 30, 2005, NOV and resolution of the violations. The April 13, 2005, meeting

included discussions of the Facility operations and the need for a plan and schedule of corrective actions to ensure compliance with Permit requirements.

5. DEQ issued NOV No. W2005-05-V-0014 on May 10, 2005, to White's for violations of pH and D.O. effluent limits at Outfall 001.
6. By submittals dated May 13, August 26, September 15 and November 18, 2005, White's, via its consultant, provided a written plan and schedule of corrective actions to ensure compliance with Permit requirements. Sections of this plan and schedule have been incorporated into Appendix A of this Order.
7. DEQ issued NOV No. W2005-07-V-0001 on July 19, 2005, to White's for failure to submit the 3rd quarterly chronic TMP report due April 10, 2005.
8. DEQ issued NOV No. W2005-08-V-0001 on August 15, 2005, to White's for failure to submit 3rd quarterly chronic TMP report due April 10, 2005.
9. DEQ issued NOV No. W2005-09-V-0001 on September 14, 2005, to White's for failure to submit 4th quarterly chronic TMP report due July 10, 2005. In addition, White's experienced CBOD effluent violations at Outfall 001 during July 2005, which have not been cited on an enforcement document.
10. DEQ issued NOV No. W2005-10-V-0008 on October 17, 2005, to White's for violations of ammonia effluent limits at Outfall 001 occurring in August 2005.
11. Until October 2005, White's had been incorrectly reporting BOD effluent sampling results instead of the Permit required CBOD sampling and reporting for Outfall 002. The improper reporting violations have not been cited on any enforcement documents.
12. In October 2005, White's made certain operational changes to address CBOD problems at Outfall 002 including installation of equipment to allow pumping of effluent on a regular basis.
13. DEQ issued NOV No. W2005-11-V-009 on November 9, 2005, to White's for violation of ammonia effluent limits at Outfall 001 occurring in September 2005.
14. DEQ issued NOV No. W2005-12-V-0010 on December 21, 2005, to White's for late submittal of the 5th quarterly chronic TMP report due in October 2005. The NOV did not cite ammonia effluent limitation violations at Outfall 001 and CBOD effluent limitation violations at Outfall 002 which occurred in October 2005.
15. DEQ issued NOV No. W2006-02-V-002 on February 3, 2006, to White's for violations of ammonia effluent limits at Outfall 001 occurring in November 2005.
16. DEQ issued NOV No. W2006-02-V-0014 on February 21, 2006, to White's for violations of ammonia effluent limits at Outfall 001 occurring in December 2005.

17. DEQ issued NOV No. W2006-03-V-0012 on March 17, 2006, to White's for CBOD effluent violations that occurred during January 2006.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. § 62.1-44.15(8a) and (8d), orders White's, and White's agrees, to perform the actions described in Appendix A and Appendix B of this Order. In addition, the Board orders White's, and White's voluntarily agrees, to pay a civil charge of **\$4400** within **30 days** of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check, White's shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of White's, for good cause shown by White's, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein in Section C. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, White's admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. White's consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. White's declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the

right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by White's to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. White's shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. White's shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. White's shall notify the VRO Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the VRO Director within 24 hours of learning of any condition above, which White's intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

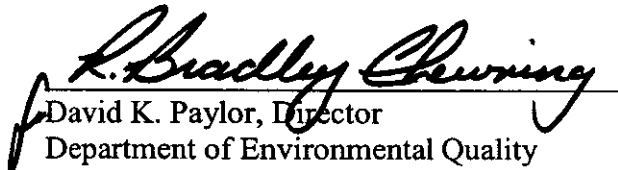
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and White's. Notwithstanding the foregoing, White's agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:
- a. White's petitions the VRO Director to terminate the Order after it has completed all requirements of this Order, and the Regional Director determines that all requirements of the Order have been satisfactorily completed; or
 - b. The Director, his designee, or the Board may terminate this Order in his or its sole discretion upon 30 days written notice to White's.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve White's from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. The undersigned representative of White's certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind White's to this document. Any documents to be submitted pursuant to this Order shall be submitted by a responsible official of White's
13. By its signature below, White's Truck Stop, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of June 2, 2006.


David K. Paylor, Director
Department of Environmental Quality

White's Truck Stop, Inc. voluntarily agrees to the issuance of this Order.

By: Jenna W. Fisk

Title: Secretary / Treasurer

Date: 3/27/06

Commonwealth of Virginia

City/County of Rockbridge

The foregoing document was signed and acknowledged before me this

27th day of March, 2006, by Jenna W. Fisk.

(name)

who is Secretary/Treasurer of White's Truck Stop, Inc., on behalf of said corporation.

(title)

Deborah E. Poole
Notary Public

My commission expires: 4-30-07.

**APPENDIX A
SCHEDULE OF COMPLIANCE
WHITE'S TRUCK STOP, INC.**

1. White's has submitted to DEQ for review and approval a CER for Facility modifications/upgrades at Outfall 002.

Within 30 days of approval of the CER for the Facility modifications/upgrades at Outfall 002, White's shall begin construction of the modifications/upgrades.
2. **Within 45 days** of beginning construction of the Facility modifications/upgrades at Outfall 002, White's shall complete construction of the modifications/upgrades and shall submit to DEQ for review and approval any necessary revisions to the O&M Manual. White's shall respond to any comments on the O&M Manual **within 30 days** of receipt of written comments.
3. **Within 30 days** of completing the Facility modifications/upgrades at Outfall 002, White's shall meet final CBOD limits contained in the Permit.
4. **By August 1, 2006**, White's shall submit to DEQ for review and approval a closure plan that addresses closure of the STP / Outfall 001 following the connection to the Rockbridge County PSA's collection system. White's shall respond to comments regarding the closure plan **within 30 days** of receipt of written comments.
5. **By December 31, 2006**, but in no case later **than 90 days** following availability of connection to the proposed Rockbridge County Public Service Authority's expanded collection system, White's shall come into compliance with the Permit's ammonia and CBOD effluent limitations for Outfall 001, State Water Control Law and the Regulation by connecting the STP to public sewer and thereby eliminating all discharges from the Facility's Outfall 001. Rockbridge County PSA is presently projecting the collection system will be completed and online on or about December 31, 2006.
6. White's shall complete closure of the STP **within 180 days** of connection to the County's collection system in accordance with an approved closure plan.
7. White's shall submit semi-annual progress reports to DEQ, with the first report being due **July 10, 2006**. Subsequent Progress Reports will be due by **January 10, and July 10**, along with the Facility's Discharge Monitoring Report until the cancellation of the Order. The semi-annual progress reports shall contain:

- a. a summary of all work completed since the previous progress report in accordance with this Order.
 - b. a projection of the work to be completed during the upcoming semi-annual period in accordance with this Order; and
 - c. a statement regarding any anticipated problems in complying with this Order.
8. No later than **14 days** following a date identified in the above schedule of compliance White's shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

APPENDIX B: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning with the effective date of this Consent Special Order and lasting until December 31, 2006 or the completion of Outfall 001's connection to the County collection system required in Appendix A, whichever occurs first, White's shall limit and monitor the discharge from outfall 001 in accordance with the Permit except as specified below.

<u>EFFLUENT CHARACTERISTICS</u>		<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>		
		<u>Monthly Average</u> mg/l	<u>Weekly Average</u> mg/l	<u>Min.</u>	<u>Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
OUTFALL 001							
Ammonia		10	NL	NL	NA	1/M	GRAB
CBOD ₅		22	NL	38	6.8	1/M	GRAB

During the period beginning with the effective date of this Consent Special Order and lasting until the completion of the Plant upgrade as required in Appendix A, White's shall limit and monitor the discharge from Outfall 002 in accordance with the Permit except as specified below.

<u>EFFLUENT CHARACTERISTICS</u>		<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>		
		<u>Monthly Average</u> mg/l	<u>Weekly Average</u> mg/l	<u>Min.</u> kg/d	<u>Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
OUTFALL 002							
CBOD ₅		45	1.7	NA	NA	1/M	GRAB

NA = Not Applicable
NL = No Limit